

The National Environmental Policy Act for Local Public Agencies

Road School
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Introduction

- ◆ When is your project covered by NEPA?
- ◆ Levels of documentation under NEPA
- ◆ Categorical Exclusion Crash Course ← Fun!
- ◆ Commitments Tracking
- ◆ Project Reassessments
- ◆ Q & A

What Triggers NEPA?

- ◆ Federal Dollars
 - NEPA only applies to projects that use Federal money
 - There is a separate process for projects with only State/local money
 - Other regulations/laws still apply to non-Federal projects

Three Types of NEPA Documents

- ◆ Class I, Environmental Impact Statements (EIS)
- ◆ Class II, Categorical Exclusions (CE)
- ◆ Class III, Environmental Assessments (EA)/Findings of No Significant Impact (FONSI)

Categorical Exclusions

- ◆ Meet the definition in the Council on Environmental Quality regulations in 40 CFR 1508.4
- ◆ Based on past experience with similar actions, they are known to not involve significant environmental impacts

Step 1: Purpose & Need

- ◆ State why the project is necessary
 - Congestion
 - Accidents
 - Deteriorated facilities
- ◆ Needs should be documented
 - Traffic counts
 - Crash histories
 - Inspection reports

Purpose & Need (cont.)

- ◆ “Need” statements cannot bias the choice of solution
 - Wrong: The bridge over Treehugger Creek needs to be replaced.
 - Right: The bridge over Treehugger Creek does not meet HS-20 loading requirements.

Examine the Project Area

- ◆ Does anything in the project area raise a Red Flag?
 - Historic Properties or Structures?
 - Public Recreational Areas?
 - Important Ecological Sites?
 - Hazardous Materials Sites?
- ◆ Identify potential fatal flaws *early* in project development to avoid wasted time, effort and money

Step 2: Scope, Schedule, Budget

- ◆ Identify Alternatives
 - Simple projects → simple alternatives (pave or don’t pave)
 - Some impacts require a much greater effort to develop avoidance alternatives
 - ◆ Public recreational areas
 - ◆ Historically significant properties/structures
- ◆ The “No-Build” option must be carried through as an alternative, for comparison

Step 3: Environmental Analysis & Preliminary Engineering

- ◆ Develop preliminary design/scope
 - Thing big! Start with the scenario that has the largest potential footprint. You can always shrink it later.
- ◆ Begin coordination with resource agencies, stakeholders and the public

Environmental Analysis & Preliminary Engineering (cont.)

- ◆ Conduct field assessments
 - Archaeological
 - Historical
 - Ecological
 - Hazardous Materials
- ◆ Select a preferred alternative based on input/data collected to date

Step 4: Prepare Categorical Exclusion and Develop Design

- ◆ Conduct further field studies on the preferred alternative
 - Archaeological excavations
 - Subsurface hazardous materials investigations
 - Air and noise studies
 - Endangered species studies
 - Wetland delineation
 - Permit determination
 - Engineering data

Commitment Tracking

- ◆ Commitments made during the NEPA process must specifically be tracked
 - Permit conditions
 - Mitigation
 - Avoidance of sensitive areas
 - Commitments to do further work/studies later
 - Public involvement

Commitment Tracking (cont.)

- ◆ INDOT recommends incorporating commitments from all phases of project development, not just environmental
 - Planning
 - Design
 - Utilities
 - Real Estate

Finishing it Up: Approvals

- ◆ The Past:
 - Review by INDOT Local Service Center
- ◆ The Present:
 - Review by INDOT Office of Environmental Services
- ◆ The Future:
 - Review by INDOT Districts
 - Large/complex projects will still be reviewed by INDOT Central Office and/or Federal Highway

Reassess at each Approval Step

- ◆ At every point of Federal Approval, make sure that the study is still valid
 - Did we add Right of Way?
 - Have the laws changed (or is there new guidance)?
- ◆ If significant changes have been made, Additional Information (AI) documentation may be required
- ◆ This can be time-consuming! Avoid waiting until the last minute

Summary

- ◆ There are three classes of NEPA Documentation. The most common are Categorical Exclusions (CEs)
- ◆ Four Steps
 - Identify the problem
 - Propose solutions
 - Reduce solutions to a preferred alternative
 - Identify impacts of the preferred alternative

Summary (cont.)

- ◆ Track commitments that are made and verify that they are met
- ◆ Recheck to ensure the documentation stays current

Further Resources

- ◆ INDOT Procedural Manual:
<http://www.ai.org/dot/pubs/manuals/envirStudies/>
- ◆ INDOT Categorical Exclusion Manual:
<http://www.ai.org/dot/div/pubs/ceprepmanual.htm>
- ◆ Federal Highway Administration, Indiana
Division policies and procedures:
<http://www.fhwa.dot.gov/indiv/procedur.htm>

INDOT and FHWA also conduct classes and workshops throughout the year

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